



THE CITY OF NEW YORK  
LAW DEPARTMENT

100 Church St.  
New York, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel

Aug 28 2008 03:04pm USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: AUG 28 2008
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Special Federal Litigation Division  
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August 28, 2008

*Sept 28, 2008*  
*The request is denied*  
*S. Ordover*  
*Paul Math*  
*USDI*

Via Facsimile (212) 805-6304

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: Yevgeniy Dikler v. City of New York et al.  
07 CV 5984 (PAC)(GWG)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to the defense of this action, ostensibly commenced pursuant to 42 U.S.C. §§ 1983 and 1985. The City defendants write to renew their application for an enlargement of time to serve their motion for summary judgment until September 5, 2008.

As a threshold matter, in response to Your Honor's Order dated August 27, 2008, the undersigned respectfully submits that the City defendants were not attempting to take advantage of plaintiff's counsel's absence from the office by filing an application for an enlargement of time to file the summary judgment motion. As indicated in our letter to Your Honor dated August 25, 2008, the undersigned had contacted plaintiff's counsel by voicemail and email, and counsel's voicemail message indicated that he would be checking his messages. Indeed, as evidenced by the annexed email, plaintiff did respond to the City defendants' request, albeit not until after the transmission of the City defendants' application. The undersigned assures the Court that the City defendants in no way attempted to avail themselves at plaintiff's counsel's expense.

While the Court has already denied the City defendants' request for a three week enlargement of the filing of summary judgment motions, it is respectfully requested that the Court grant the City defendants until Friday, September 5, 2008 to file their motion pursuant to F.R.C.P. Rule 56 (b). We have sought plaintiff's consent today by voicemail and email, advising plaintiff that the City defendants consent to a reciprocal one week enlargement of plaintiff's time to serve his opposition.

MEMO ENDORSED

MEMO ENDORSED

X { This is City defendants' second request for an enlargement of the time to file a motion for summary judgment. Thus, the City defendants propose the following motion schedule for the Court's endorsement: }

- City defendant's motion for summary judgment by September 5, 2008;
- Opposition by October 6, 2008; and
- Reply, if any, by October 27, 2008.

We thank the Court for its consideration.

Respectfully submitted,



Joyce Campbell Privette (JCP 1846)  
Assistant Corporation Counsel

cc: **Via Facsimile (718) 604-3074**

David A. Zelman, Esq.  
Attorney for Plaintiff  
612 Eastern Parkway  
Brooklyn, New York 11225  
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**Via Facsimile (212) 267-5916**

Robert N. Dunn, Esq.  
Lester, Schwab, Katz and Dwyer LLP  
Attorneys for Co-defendants Vega & HWA  
120 Broadway  
New York, NY 10271

**Campbell Priveterre, Joyce**

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**From:** David Zelman ESQ [dzelman@civrtslaw.com]  
**Sent:** Monday, August 25, 2008 4:03 PM  
**To:** Campbell Priveterre, Joyce  
**Subject:** Re: Dikler

I do not consent. Dz

Sent from my BlackBerry? wireless handheld

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**From:** "Campbell Priveterre, Joyce" <jocampbe@law.nyc.gov>  
**Date:** Mon, 25 Aug 2008 15:06:16 -0400  
**To:** <dzelman@civrtslaw.com>  
**CC:** <RDUNN@LSKDNYLAW.COM>  
**Subject:** Dikler

Please advise if you consent to the following enlargement of the motion schedule:

SJ motions by 9/16/08

Opposition by 10/14/08

Reply by 10/28/08

Robert Dunn has already consented. Thanks.

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